

September 4, 2002

COMMISSION VOTING RECORD

DECISION ITEM: SECY-02-0135

TITLE: FINAL RULE: 10 CFR PART 63:
 SPECIFICATIONS OF A PROBABILITY FOR
 UNLIKELY FEATURES, EVENTS, AND
 PROCESSES

The Commission (with all Commissioners agreeing) approved the final rule as noted in an Affirmation Session and recorded in the Affirmation Session Staff Requirements Memorandum (SRM) of September 4, 2002.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Meserve
 Commissioner Dicus
 Commissioner Diaz
 Commissioner McGaffigan
 Commissioner Merrifield
 OGC
 EDO
 PDR

VOTING SUMMARY - SECY-02-0135

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	PARTICIP	NOT COMMENTS	DATE
CHRM. MESERVE	X				X	8/13/02
COMR. DICUS	X				X	8/16/02
COMR. DIAZ	X				X	8/14/02
COMR. McGAFFIGAN	X					8/9/02
COMR. MERRIFIELD	X					8/12/02

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and some provided additional comments. Subsequently, the comments of the Commission were incorporated into the final rule as reflected in the Affirmation Session SRM issued on September 4, 2002.

Commissioner Comments on SECY-02-0135

Commissioner Dicus

I commend staff for their efforts in providing the Commission with the final Part 63 rule amendment in such a timely manner and for detailing a well thought out approach to defining unlikely features, events, and processes (FEPs) in the context of Yucca Mountain's 10,000 year post-closure compliance period. Given the uncertainties in being able to estimate the occurrence of natural FEPs over a 10,000 year time-frame, I support staff's recommendation to specify a probability range of values between 10^{-5} to 10^{-8} , rather than a single probability value. I believe that this approach will allow for appropriate consideration and better characterization of the range of possible scenarios associated with unlikely FEPs at the Yucca Mountain repository site.